



U.S. Department of Justice

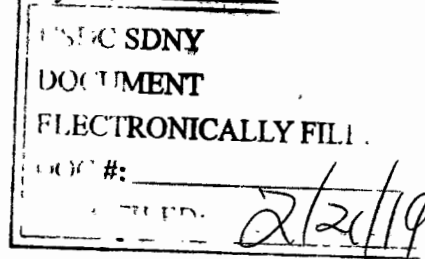
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February 17, 2019

VIA EMAIL

The Honorable Jed S. Rakoff  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, New York 10007



Re: *United States v. Andy Gyamfi*, S6 16 Cr. 521 (JSR)

Dear Judge Rakoff:

As discussed at the final pretrial conference in the above-captioned case, the Government writes to provide additional detail regarding the “Jumpman” rap video from which the Government seeks to introduce three excerpts at trial.

Relevant here, the Court posed the question of whether the rap video was the defendant “making these assertions [in the video] as his statements or as an artistic expression of someone’s statement, so to speak.” (*See* Apr. 14, 2019 Tr. 17.) The defense argued that the rap video was merely artistic expression, evidenced by the fact that the defendant had “tak[en] lyrics from other songs” and that it was a “hybrid of other recording artists.” (*See id.* at 17-18.) Counsel went on to argue, generally, that since the original song “references” narcotics, money, or guns, the defendant therefore “clearly pattern[ed his] song after that song.” (*Id.* at 22.)

While technically accurate, these statements paint the defendant’s rap video in a far more favorable light than an objective view of the evidence supports. First, as the Government noted during the conference, the *only* portion of the defendant’s Jumpman video taken from the version referenced by the defense (which was recorded by artists Drake and Future) is (1) the single word “Jumpman” in the title and chorus, and (2) the underlying beat or music. (*Id.*) The lyrics in the two songs otherwise differ drastically. To assist the Court in its evaluation, the Government is attaching hereto the lyrics of the defendant’s Jumpman video, as compared to those of the original composition by Drake and Future.<sup>1</sup>

In writing his own version of the Jumpman song, the defendant necessarily had to decide to abandon the lyrics written by other artists, and to craft his own. In so doing, he transparently

<sup>1</sup> The Drake and Future song is presently viewable at Uniform Resource Locator <https://www.youtube.com/watch?v=NiM5ARaexPE>; the defendant’s video is presently viewable at <https://www.youtube.com/watch?v=6EzE0JcBC1g>.

As the Government pointed out, for instance, the defendant begins the video outside his home at [REDACTED]. He then references his house arrest, which resulted in him “missing the summer”; he speaks to his preference for Hennessy whisky, which is evident throughout the numerous photographs on his social media pages showing him drinking exactly that; he references the “Double R” gang, a reference to the “Real Rich” gang to which he belongs, and which he references again and again across many of his rap lyrics;<sup>2</sup> he references his own nickname “Smooth” repeatedly; and, of primary relevance here, he specifically raps about his relationship with [REDACTED] and [REDACTED] and how he and [REDACTED] provide of large amounts of specific types of marijuana (“Sour Diesel” and “Kush”) to [REDACTED]. As the Government represented at the pretrial conference, a number of witnesses will testify regarding the relationship between the defendant, [REDACTED] and [REDACTED] including specifically the fact that the precise type of marijuana supplied by [REDACTED] and the defendant to [REDACTED] “Kush” and “Sour Diesel”—were, in fact, the very same two types of marijuana the defendant references providing to [REDACTED] in the rap video.

For these reasons, and the reasons previously stated in the Government's motion, the Government respectfully submits that the admission of the three short excerpts from the Jumpman rap video should be admitted at trial.

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<sup>2</sup> Indeed, one of the defendant's songs is entitled "It's Double R Gang." It begins "It's Double R Gang, and I'm looking like the advocate...Niggas could count on Smooth like I'm a abacus." In that song, as well, he discusses the "heat" he caught "from the Feds" and his term of house arrest.

EXHIBIT A	
Drake and Future Lyrics	Defendant's Lyrics <sup>1</sup>
<p><i>If Young Metro don't trust you</i>  <i>I'm gon' shoot you</i>  <i>Yeah, Yo</i>  <i>Halloween</i>  <i>Taliban, Taliban</i>  <i>Yeah</i></p> <p><b>[Drake:]</b>  Jumpman, Jumpman, Jumpman,  Them boys up to something</p> <p>They just spent like two or three weeks out the country  Them boys up to something they just not just bluffing  You don't have to call I hit my dance like Usher  I just found my tempo like I'm DJ Mustard  I hit the Ginobili with my left hand up like woo  Lobster and Celine for all my babies that I miss  Chicken fingers, french fries for them hoes that wanna diss</p> <p>Jumpman, Jumpman, Jumpman,  Them boys up to something</p> <p>Uh, uh, uh, I think I need some Robitussin  Way too many questions you must think I trust you  You searching for answers I do not know nothing (woo!)  I see 'em tweaking they know something's coming (woo!)</p>	<p><i>Let's get it</i></p> <p><b>[The Defendant:]</b>  Jumpman, Jumpman, Jumpman,  That boy up to something</p> <p>Fresh off house arrest, I had to miss the summer (facts)  Time to make a movie Quentin Tarantino (let's get it)  Balmain on the denim, sneakers Valentino</p> <p>Just like Gary Payton, I got 20 on me  All my bills is blue, I'm talking Benjis only  Right now I'm on Patron, but I sip Henny mostly (that brown)  But I'm still on point, I'm talking Prigioni</p> <p>Jumpman, Jumpman, Jumpman,  Jumpman, Jumpman, Jumpman,</p> <p>They just talkin' shit, them boys ain't up to nothin'  My niggas on the rise, oh yeah, we up and comin'  (Double R gang)  These niggas out here hatin', man that shit disgustin'</p>

<sup>1</sup> Note that the Government has modified the transcript in light of the lyrics later identified in the defendant's email account.

Jumpman, Jumpman, Jumpman,  
Them boys up to something (woo!)  
Jumpman, Jumpman, Jumpman,  
Fuck was you expecting? (woo!)

Chi-town, Chi-town, Michael Jordan just said text me (woo!)

**[Future:]**

Jumpman, Jumpman, Jumpman  
Jumpman, Jumpman, Jumpman

I just seen the jet take off they up to something  
Them boys just not bluffing them boys just not bluffing

Jumpman, Jumpman, Jumpman,  
Them boys up to something

She was trying join the team I told her wait  
Chicken wings and fries we don't go on dates  
Nobu Nobu Nobu Nobu Nobu Nobu  
I just throwed a private dinner in LA  
Trapping is a hobby that's the way for me  
Man they coming fast they never getting sleep  
I, I just had to buy another safe  
Bentley Spurs and Phantoms Jordan Fadeaway  
Yeah

**[Drake:]**

Jumpman, Jumpman, I don't need no introduction  
Jumpman, Jumpman, Metro Boomin' on production, wow  
Hundred cousins out in Memphis they so country, wow  
Tell her stay the night, valet your car, come fuck me now

Ridin' in that Audi wit my nigga G  
[redacted] just hit my line, he said he need a P (Got you bro)  
So I hit the ville and called my nigga [redacted] (What up, homie?)  
Got Kush, got Sour Diesel and we get it cheap

Heard these niggas talkin' and my team the topic  
But we gon' let them talk 'cause we gon' eat regardless  
Like sanitation workers, all I see is garbage  
Demanding recognition 'cause my team the hottest

It's Double R nigga, who better  
Get down or lay down, nigga  
You better  
And that go for everybody, nigga,  
Whoever  
Niggas gotta go hard, gotta do better  
Real Rich on deck  
It's a new era  
Niggas know the boy Smooth, like new leather  
I don't play boy, man that shit for Hugh Hefner  
It's Double R, can't name another crew better

Jumpman, Jumpman, live on TNT I'm flexing (ooh!)  
 Jumpman, Jumpman they gave me my own collection (ooh!)  
 Jump when I say jump, girl can you take direction? (Ooh!)  
 M'tombo with the bitches, you keep getting rejected (woo!)

**[Future:]**

Heard they came through magic city on a Monday  
 Heard they had the club wild, it was star studded  
 A bunch of girls going wild when your chain flooded  
 And I had 'em like wow, cup dirty  
 Dopeman dopeman dopeman dopeman dopeman dopeman  
 Money on the counter, choppers on the floor  
 I just caught that tempo, DJ Mustard (woo!)  
 Waaay too much codeine and Adderall  
 We just count up paper racks, woohah  
 I know I'ma get my bitch back, woohah  
 I count all these racks that I have on me now I'ma have you like  
 woah  
 Chanel number 9, Chanel number 5, well you got 'em both

**[Drake:]**

Jumpman, Jumpman, Jumpman  
 Them boys up to something  
 They just spent like two or three weeks out the country  
 Them boys up to something they just not just bluffing

**[Future:]**

Jumpman, Jumpman, Jumpman  
 Them boys up to something